

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-30 are pending in the application. Claims 12, 20, 24, and 28 have been cancelled. New claims 31-50 have been added based on cancelled claims 12, 20, 24, and 28. The amendment is fully supported by the original disclosure. No new matter has been introduced.

Allowable subject matter

New claims 31-50 have been added based on cancelled claims 12, 20, 24, and 28. Cancelled claims 12, 20, 24, and 28 were indicated as allowable by the Examiner. Accordingly these claims have been rewritten in independent format as new independent claims 31, 38, 45, and 48, respectively.

Accordingly, Assignees respectfully request that the amendment be entered after final.

Telephone interview

On May 31, 2006, a telephone interview was conducted with the Examiner. In the interview, differences between the cited references and the claimed invention were discussed. While no agreement was reached, the Examiner indicated that independent claims 1 and 15 may be allowable base on the arguments detailed below.

Claim rejections - 35 USC §103

Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (US Pat. No. 6,657,749) in view of Spears et al. (US Pub. No. 2002/0140996). This rejection is respectfully traversed.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP 2142. To establish a *prima facie* case of obviousness, three basic criteria must be met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

Independent claim 1 recites “an image processor, capable of calculating an optical path deviation based at least in part on the calibrated images to adjust the scanned image”. The Examiner asserts that Beeson discloses a “set of calibration photosensitive devices, (CCDs 318, 314 of fig 1) approximately located at two sides of the set of scan photosensitive devices, (314 and 318 of fig 1)said set of calibration photosensitive devices capable of obtaining a set of calibrated images by detecting the calibration board; and an image processor, (124 of fig 3) capable of calculating an optical path deviation based at least in part on the calibrated images to adjust the scanned image, (controller 124 of fig 1, a microprocessor calculates image data for the pixel location, col. 6, lines 48-55)”. See pages 2-3 of the Office Action. Additionally, the Examiner asserts that the combination of the “set of calibration boards (204 and 206 of fig 2 and 3)” of Spears with the device of Beeson would have been obvious “for the reason that, the

second calibration strip is used to compensate for variation in lamp intensity during a scan.” See page 3 of the Office Action. Assignee cannot agree.

First, the Examiner has provided no support for the proposition that the proposed combination would render obvious “an image processor, capable of calculating an optical path deviation based at least in part on the calibrated images to adjust the scanned image” as is claimed. Indeed, while the Examiner has asserted that Beeson relates to “calibration”, the Examiner has failed to show that any “calibration” done by Beeson relates to calculating a “path” such as an “optical path deviation”, as is claimed. See page 3 of the Office Action.

Additionally, the Examiner has not shown that the combination with Spears cures Beeson of this failure. In the absence of the Examiner pointing to such a disclosure in the proposed combination, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders obvious all of the features of claim 1.

Second, the Examiner has provided no support for the proposition that the proposed combination would render obvious “an image processor, capable of calculating an optical path deviation based at least in part on the calibrated images to adjust the scanned image”, as is claimed. Indeed, while the Examiner has asserted that Beeson relates to “calibration”, the Examiner has failed to show that any “calibration” done by Beeson is done to “adjust the scanned image” as is claimed. See page 3 of the Office Action. Instead, the portions of Beeson cited by the Examiner appear to discuss properly aligning each CCD 118 in a pre-scan procedure, as discussed at column 6, lines 48-60 (emphasis added):

During calibration, the controller 124 can shift out the charges in the pixel locations P.sub.0 through P.sub.N, i.e., the image data for the pixels P.sub.0 to P.sub.N. The controller 124 will sort the image data P.sub.0 through P.sub.N to determine the two transition points. These transition points are stored in a EEPROM 121 for the CCD 118.

This process is repeated for each of the CCDs 118 such that the two transitions for each of the CCDs 118 is stored in the EEPROM 121. Once the transitions are known, the controller 124 can determine the starting pixel P.sub.J and the ending pixel P.sub.K of the image data to be saved. The image data from pixels P.sub.0 to P.sub.J-1 and P.sub.K+1 to P.sub.N will be discarded. Again, the values for J and K will have been uniquely determined for each CCD 118.

Additionally, the Examiner has not shown that the combination with Spears cures Beeson of this failure. In the absence of the Examiner pointing to such a disclosure in the proposed combination, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders obvious all of the features of claim 1.

Third, the Examiner has provided no support for the proposition that, in the proposed combination, the controller 124 of Beeson would operate with the calibration strips 204 and 206 of Spears to render obvious being “capable of calculating an optical path deviation based at least in part on the calibrated images to adjust the scanned image” as is claimed. Indeed, the Examiner has instead suggested that the use of the calibration strips 204 and 206 of Spears would instead operate to “compensate for variation in lamp intensity during a scan”, (emphasis added). See page 3 of the Office Action. In the absence of the Examiner pointing to such a disclosure in the proposed combination, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders obvious all of the features of claim 1.

Fourth, the Examiner has provided no support for the proposition that, in the proposed combination, items 314 and 318 of the CCD 118 of Beeson would operate with the calibration strips 204 and 206 of Spears to render obvious “a set of calibration boards, comprising two calibration boards approximately located at two sides of a platform; a set of calibration photosensitive devices, approximately located at two sides of a set of scan photosensitive

devices, said set of calibration photosensitive devices capable of obtaining a set of calibrated images by detecting the calibration boards", as is claimed. Indeed, the Examiner has referenced figure 3 of Beeson which illustrates item 318 of CCD 118 of Beeson as internally located with respect to an edge of platen 106. The Examiner has not addressed the apparent inability of item 318 of CCD 118 of Beeson to be capable of "detecting the calibration boards" where the calibration boards are "approximately located at two sides of a platform", as claimed. Additionally, the Examiner has not shown that the combination with Spears cures Beeson of this failure. In the absence of the Examiner pointing to such a disclosure in the proposed combination, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders obvious all of the features of claim 1.

Claim 15 is similarly not obvious, at least on the same or similar basis as claim 1.

Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okita et al. (US Pat. No. 6,657,748) in view of Beeson. This rejection is respectfully traversed.

Independent claim 23 recites "obtaining a calibrated image by detecting a calibration board approximately located at one side of a platform of a scanner with a set of calibration photosensitive devices; and calculating an optical path deviation based at least in part on the calibrated image to adjust the scanned image". The Examiner asserts that Okita "teaches a method (fig 1-3) comprising: obtaining a calibrated image by detecting a calibration board (a standard white board 7 of fig 1A) approximately located at one side of a platform of a scanner (fig 1A)." See page 5 of the Office Action. Additionally, the Examiner asserts that Beeson discloses a "set of calibration photosensitive devices; (CCDs 318, 314 of fig 1); and calculating an optical path deviation based at least in part on the calibrated image to adjust the scanned

image, (controller 124 of fig 1, a microprocessor calculates image data for the pixel location, col. 6, lines 48-55)". See pages 5-6 of the Office Action. As discussed above with regards to claim 1, Assignee respectfully submits that Beeson fails to teach or suggest calculating an "*optical path deviation*" and/or calculating to "*adjust the scanned image*", as is claimed. Additionally, the Examiner has not shown that the combination of Okita with Beeson cures Beeson of this failure. In the absence of the Examiner pointing to such a disclosure in the proposed combination, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders obvious all of the features of claim 23. Claim 27 is similarly not obvious, at least on the same or similar basis as claim 23.

It is noted that claimed subject matter may be patentably distinguished from the cited references for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignees' failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, James J. Lynch, at (503) 439-6500 if there remains any issue with allowance.

Additional fees

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Respectfully submitted,
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Dated: June 19, 2006

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